



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

April 19, 2023

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The Collaborative  
One SeaGate Park Level 118  
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Tom Martin  
Bedford Public Schools  
1135 Smith Road  
Temperance, MI 48182

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On April 12, 2023, the Construction Code Commission (“the Commission”) was presented with an Application for Construction Code Appeal submitted by The Collaborative, on behalf of Bedford Public Schools (“Bedford”), regarding a building and mechanical code variance for a Bedford athletic facility located at 8285 Jackman Road, Temperance, MI 48182. The Collaborative seeks a variance from Section 1204.1 of the 2015 Michigan Building Code and Section 309.1 of the 2015 Michigan Mechanical Code. The Commission acknowledged receipt of the variances request on April 12, 2023, reviewed the application and all supplemental materials provided, and considered the matter at a public meeting on that date.

Mr. Joe Adams, architect for The Collaborative, and Mr. Carl Shultz, Superintendent for Bedford Public Schools, attended the meeting and spoke in support of the variances and answered questions from the Commission. Assistant Attorney General Lindsay Schmidt attended the meeting on behalf of the Commission.

Following discussion, a motion was made, supported, and passed by a vote of 6-4 to approve the requested variances for Bedford Public Schools. In reaching its decision, a majority of the Commission voted in favor of the variances based on the seasonal use of the building, the type of building, and because the Commission has granted variances for similar projects in the past.

THEREFORE, it is the final decision of the Commission to grant Bedford Public Schools’ requested variances from the requirements of Section 1204.1 of the 2015 Michigan Building Code and Section 309.1 of the 2015 Michigan Mechanical Code. A judicial review of this decision may be pursued in accordance with Section 18 of 1972 PA 230, MCL 125.1518.

cc: BCC Building Section



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**FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On April 12, 2023, the Construction Code Commission (the Commission”) reviewed the Application for Construction Code Appeal submitted by Peak Management (“Peak”) regarding Homestead Apartments buildings A, B, C, and D located at 500 West Lake Lansing Road, East Lansing, Ingham County, MI. Peak seeks a variance from Section 403.2 of the International Property Maintenance Code (“IPMC”). The Commission acknowledged receipt of the variance request on April 12, 2023, reviewed the application and all supplemental materials provided, and addressed the matter at a public meeting on that date.

Mr. Aaron Davis, Attorney for Peak, Mr. Anthony Janes, Property Maintenance staff for Peak Management, and Mr. Tony Chubb, Attorney for City of East Lansing, attended the meeting and spoke in support and in opposition of the variance. Assistant Attorney General Lindsay Schmidt attended the meeting on behalf of the Commission and identified applicable law in open session.

Following discussion, a motion was made, supported, and passed unanimously to decline to decide Peak’s appeal and variance request based on the fact that the City of East Lansing’s adoption of the 2006 IPMC is directing the venting requirements at issue in this case. The Michigan Construction Code Act, MCL 125.1504, specifically identifies the codes that are incorporated by reference into the Act. The IPMC is not one of the codes identified by the Act and is not incorporated into the Act. Thus, the Commission found that it lacked jurisdiction over this matter.

THEREFORE, it is the final decision of the Commission to decline to consider or decide Peak’s appeal and request for a variance from the requirements of Section 403.2 of the IPMC. Judicial review of this decision may be pursued as permitted by law.

cc: BCC Mechanical Section